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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH**

CAPANA SWISS ADVISORS AG, a Swiss
corporation; AMERIMARK AUTOMOTIVE
AG, a Swiss corporation,

Plaintiffs,

vs.

RYMARK, INC., a Utah corporation;
NICHOLAS THAYNE MARKOSIAN, an
individual; JOHN KIRKLAND, an individual;
and VICKY SMALL, an individual,

Defendants.

RYMARK, INC., a Utah corporation; and
NICHOLAS THAYNE MARKOSIAN, an
individual,

Counter Claimants,

vs.

CAP ANA SWISS ADVISORS AG, a Swiss
corporation, and Amerimark Automotive AG,
a Swiss Corporation,

Counter Defendants.

RYMARK, INC., a Utah corporation; and

**DECLARATION OF
CHAD S. PEHRSON IN SUPPORT OF
DEFENDANTS' OPPOSITION TO
THIRD-PARTY DEFENDANT
AMERIMARK GROUP AG'S MOTION
TO DISMISS**

Case No.: 2:23-cv-00467

Judge: Ted Stewart
Magistrate Judge: Cecilia M. Romero

NICHOLAS THAYNE MARKOSIAN, an individual,

Third-Party Plaintiffs,

vs.

SHAEN BERNHARDT, an individual;
ASHLEY MIRON LESHEM, an individual;
DAVID HESTERMAN, an individual;
NICOLAI COLSHORN, an individual;
STEFAN KAMMERLANDER, an individual;
ALEXANDER COENEN, an individual;
MARTIN FASSER HEEG, an individual;
AMERIMARK GROUP AG, a Swiss corporation; and PHILOMAXCAP AG, a German corporation,

Third-Party Defendants.

I, Chad S. Pehrson, declare as follows:

1. I am over 18 years of age and am fully competent to make this declaration. I am counsel to Defendants and Counterclaimants Rymark, Inc. (“**Rymark**”), Nicholas Markosian, John Kirkland, and Vicky Small (collectively “**Defendants**”). I have personal knowledge of the matters set forth below or have obtained knowledge from my review of the file. I make this declaration in support of Defendants’ opposition (the “**Opposition**”) to the motion to dismiss (the “**Motion**”) filed by Third-Party Plaintiff AmeriMark Group AG (“**AmeriMark Group**”).

2. On November 26, 2024, Defendants took the deposition of Martin Fasser Heeg at my firm’s offices in Salt Lake City, Utah. Approximately two weeks before the deposition, my team contacted counsel for Plaintiffs, John Worden, to ask if he would “accept service of our Third-Party Complaint on behalf of . . . AmeriMark Group,” or whether we should instead have a “process server ready at [Mr. Heeg’s] deposition.” Mr. Worden responded, “I do not represent

AmeriMark Group.” So I arranged to have a process server attend the deposition and serve AmeriMark Group through Mr. Heeg. I subsequently filed the return on the docket, Dkt. 186, and that return reflects that Mr. Heeg was served at 8:58 a.m.

3. AmeriMark Group is a Swiss corporation. Switzerland publishes a Central Name Business Index online at www.zefix.ch. That index includes basic information on Swiss corporations. A true and correct copy of the Central Name Business Index’s entry for AmeriMark Group is attached hereto as **Exhibit A**. That entry reflects that Mr. Heeg is a “member of the board” at AmeriMark Group who has “individual signing authority.”

4. During his deposition, Mr. Heeg was examined regarding his role at AmeriMark Group. A true and correct copy of pertinent portions of Mr. Heeg’s deposition transcript is attached hereto as **Exhibit B**.

I declare the foregoing to be true and correct under penalty of perjury under the laws of the United States

Executed on January 14, 2024, in Salt Lake City, Utah.

By: /s/Chad S. Pehrson
Chad S. Pehrson

CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of January, I filed the foregoing **DECLARATION OF CHAD S. PEHRSON IN SUPPORT OF DEFENDANTS' OPPOSITION TO THIRD-PARTY DEFENDANT AMERIMARK GROUP AG'S MOTION TO DISMISS** via the Court's CM/ECF system, which provided notice of such filing to all counsel of records.

/s/Chad S. Pehrson